

REMARKS/ARGUMENTS

The Office Action mailed April 14, 2010 has been carefully reviewed and this paper is responsive thereto. Claims 2-8, 10-12, 14 and 33-43 are pending. Claims 2-8, 10-12, 14, 33-43 stand rejected.

Claim Rejections Under 35 USC §101

Claims 2-8, 10-12, 14, 33-43 are rejected under 35 USC §101 as having no tie to any machine, article of manufacture or a composition of matter.

Independent claims 2, 33, and 38 were previously amended to claim an apparatus comprising “a computer-implemented method.” On page 2, the Office Action states that “it appears that the claim is implemented by a particular machine name a processor from a computer. However, the recitation of the “computer-implemented method” and “computing using a processor” do not impose meaningful limit on the claim’s scope and involve more than insignificant extra solution activity.” Furthermore, the Office Action states “For example, the broadest reasonable interpretation of the “computing using a processor” includes a processor which displays information where a human operator views the information and computes a score of relative severity of the at least one neurological event using the identified feature.” Applicants respectfully disagree with the above assertions. For instance, the claimed feature clearly includes “computing using a processor a score of relative severity” and not a human calculating the score of relative severity.”

However, to further clarify Applicants invention and to advance prosecution of this case, Applicants have further clarified that the steps of “determining”, “identifying”, “computing”, and “ranking” as claimed in independent claim 2 are preformed using a processor. Applicants respectfully submit that these claimed elements do impose meaningful features on independent claim 2. Furthermore, independent claim 2 does not claim an abstract idea. Independent claim 2 illustrates a process in which underlying subject matter is transformed into a different state or thing. For instance, a neurological signal that represents at least one neurological event is scored and ranked on relative severity based on an identified feature of the neurological event. Therefore, Applicants respectfully submit that the process of independent claim 2 is patent

eligible subject matter. Applicants respectfully submit that independent claims 33 and 38 are also in compliance with 35 U.S.C. § 101 for similar reasons as independent claim 2. Dependent claims 3-8, 10-12, 14, 34-37, and 39-43 are also in compliance with 35 U.S.C. § 101. Accordingly, withdrawal of this ground of rejection is respectfully submitted.

Allowable Subject Matter

Claims 2 and 33-43 were indicated as being allowable in the Office Action dated January 9, 2008 (Office Action dated January 9, 2008, pg. 9). Applicants respectfully submit that because claims 2, 33, and 38 have been amended to overcome the § 101 rejection, these claims should be deemed allowable. Additionally, claims 3-8, 10-12, and 14 depend from independent claim 2, and therefore are believed to be allowable for at least the reasons supporting the allowability of claim 2.

All rejections having been addressed, Applicants respectfully submit that the pending claims are in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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